



Entered on Docket
August 26, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Third Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based Entirely Upon Investment In
The Eagle Meadows Loan**

Hearing Date: July 26, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "Third Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The "Eagle Meadows Loan ("Eagle Meadows Loan") [DE 8562] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to repayment by the

1 borrower or from the collateral securing the Eagle Meadows Loan; and good cause
2 appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8562] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed in full because those
6 claims are based entirely upon an investment in the Eagle Meadows Loan.
7

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**
10

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> dis approved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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**USACM Trust
Eagle Meadows
Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Eagle Meadows Development Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Eagle Meadows Development Loan
10725-00287	10/3/2006	Horgan, Patrick J	Maupin Cox Legoy, Attn C Jaime Esq PO Box 30000 Reno, NV 89520	50,000.00	50,000.00
10728-00061	10/5/2006	Iona Pete Bakas Halliday	Po Box 39147 Ft Lauderdale, FL 33339-9147	50,000.00	50,000.00
10725-00742	10/26/2006	Marlin L & R Yvonne Wonders	4262 E Catalina Ave. Mesa, AZ 85206	50,000.00	50,000.00
10725-00887	11/1/2006	Marston Family Trust Dated 8/13/93	E Grace Marston Tee 1184 Camano Court San Jose, CA 95122	53,203.09	53,203.09
10725-01616	12/8/2006	Mcconnell, James M IRA	970 Fairway Blvd Incline Village, NV 89451	307,125.01	307,125.01
10725-02251	1/12/2007	Mcquerry Family Trust	William L Mcquerry 318 Singing Brook CIR Santa Rosa, CA 95409	196,316.26	196,316.26
10725-01388	11/3/2006	Patricia A Herrin & Terry W Royder	9404 Mountainair Ave Las Vegas, NV 89134-6215	150,000.00	150,000.00
10725-01924	1/10/2007	Sak Family Trust Dtd 12/17/04	C/O Gregory V & Jana L Sak Tee 2512 Skippers Cove Ave Henderson, NV 89052	101,826.15	101,826.15
10725-00978	11/3/2006	Sapphire 18 Trust	C/O Nimrod Barashy Trustee 2868 Redwood St Las Vegas, NV 89146-5113	101,041.67	101,041.67
10725-01961	1/10/2007	Secure Retirement Trust B	C/O Leona Apigian Trustee 13501 Muir Drive SE Monroe, WA 98272	101,493.04	50,746.52

EXHIBIT A

2408963.1